

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
June 10, 2004

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Pat Dunn. The presentation of colors was done in observance of Flag Day, which is June 14, and the pledge of allegiance was then led by Council Member Dunn. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Davis suggested that the agenda be amended as follows:

- Addition of an agreement with Norfolk Southern Railway Company and W. H. Smith Real Estate for installation, construction, maintenance, operation and removal of facilities near the crossing of W. H. Smith Boulevard
- Consideration of resolution regarding stormwater
- Moving of the zoning ordinance amendment item before the rezoning of the Joseph D. Speight Property
- Addition of a special recognition by the Jackie Robinson Baseball League

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

The Chairman of the Human Relations Council, Mary Ellen Bragaw, recognized the 2004 Young Citizen of the Year nominees and recipients as follows:

Nominees: Jasmine Andrews (E. B. Aycock Middle School)
Derrick Barnes (A. G. Cox Middle School)
Brittany Gray (A. G. Cox Middle School)

Montel Hemby (E. B. Aycock Middle School)
 Kyle Veneski (A. G. Cox Middle School)

Recipients: Chandra N. Bradley (E. B. Aycock Middle School)
 Requita M. Demery (E. B. Aycock Middle School)
 Naima E. Savage (Wellcome Middle School)

Mr. Cliff Hickman of the Jackie Robinson Baseball League presented a plaque to the Mayor for the City's efforts in having lights installed on the baseball field. He also thanked the other contributors who made donations toward the lights.

Mayor Parrott then presented a commendation to DeDe Carney for Raymond Carney for his donation toward the lights.

The Financial Services Department was recognized for receiving the Certificate of Achievement for Excellence in Financial Reporting for the fifteenth year.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Board of Adjustment

Motion was made by Council Member Dunn and seconded by Council Member Little to reappoint Ann Bellis and Jack Warren to a first three-year term to expire June 2007 and to reappoint Sharon McLawhorn to a second three year-term to expire June 2007. Motion carried unanimously.

Community Appearance Commission

Council Member Craft requested that the appointments for the Community Appearance Commission be continued until the August 12 meeting.

Environmental Advisory Commission

Motion was made by Council Member Glover and seconded by Council Member Little to appoint James Kenny to a first three-year term to expire April 2007 replacing Robert Christian, who resigned. Motion carried unanimously.

Greenville Utilities Commission

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to continue the Greenville Utilities appointments/reappointments until August 12. Motion carried unanimously.

Pitt-Greenville Airport Authority

Motion was made by Council Member Little and seconded by Council Member Craft to reappoint Richard Eakin to a first three-year term to expire July 2007. Motion carried unanimously.

Pitt-Greenville Convention and Visitors Authority

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to reappoint Nick Glennon to a second three-year term to expire July 2007; appoint James Streeter to a first three-year term to expire July 2007, replacing Earnestine Haselrig, who is ineligible for reappointment; and to recommend that Pitt County reappoint Angel Savage and Tonyia Steelman to second three-year terms expiring July 2007. Motion carried unanimously.

Recreation and Parks Commission

Upon a recommendation by Mayor Parrott, motion was made by Council Member Little and seconded by Council Member Craft to reappoint James Bond, Jr. to a first three-year term expiring June 2007; to appoint Wilson McDowell to a first three-year term to expire June 2007 replacing Sandra Hickman, who is ineligible for reappointment; to appoint Gary Hassell to a first three-year term to expire June 2007 replacing Patrick King, who is ineligible for reappointment; and to reappoint Lillian Outterbridge to a second three-year term to expire June 2007. Motion carried unanimously.

ORDINANCE ANNEXING YORKSHIRE CLUSTER, SECTION 4, LOCATED ON THE NORTH SIDE OF NCSR 1706 AND SOUTH OF THE NORFOLK SOUTHERN RAILROAD - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by Bill Clark Homes of Greenville, LLC to annex Yorkshire Cluster, Section 4, involving 6.5919 acres located on the north side of NCSR 1706 and south of the Norfolk Southern Railroad, being about 736 feet east of Fourteenth Street Extension. This is a contiguous annexation.

Mr. Merrill Flood, Interim Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 4. The property is currently undeveloped, and the proposed use is for residential single-family development. The current population is 0 and it is estimated to be 49 at full development, with 2 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance annexing Yorkshire Cluster, Section 4, involving 6.5919 acres located on the north side of NCSR 1706 and south of the Norfolk Southern Railroad, being about 736 feet east of Fourteenth Street Extension. Motion carried unanimously. (Ordinance No. 04-61)

ORDINANCE ANNEXING ASHCROFT OFFICE PARK, SECTION ONE LOCATED ON THE NORTH SIDE OF FIRE TOWER ROAD AND ON THE EAST SIDE OF ASHCROFT DRIVE - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by DVML, LLC Jr. to annex Ashcroft Office Park, Section One, involving 1.466 acres located on the north side of Fire Tower Road and on the east side of Ashcroft Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant, and the proposed use is for an office building. The current population is 0 and is estimated to be 0 at full development.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Dunn to adopt the ordinance annexing Ashcroft Office Park, Section One, involving 1.466 acres located on the north side of Fire Tower Road and on the east side of Ashcroft Drive. Motion carried unanimously. (Ordinance No. 04-62)

ORDINANCE ANNEXING LOT 1, BLOCK D, PROFESSIONAL CENTER, SECTION IV, AND LOT 2, BLOCK D, PROFESSIONAL CENTER, SECTION IV BOUND ON THE NORTH AND SOUTH BY BEASLEY DRIVE, ON THE EAST BY WEST ARLINGTON BOULEVARD, AND ON THE WEST BY SIGNATURE PLACE, LLC - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by The Medical Foundation of East Carolina University and Fresenius Medical Care to annex Lot 1, Block D, Professional Center, Section V, and Lot 2, Block D, Professional Center, Section IV, containing 1.88 acres bound on the north and south by Beasley Drive, on the east by West Arlington Boulevard, and on the west by Signature Place, LLC. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant, and the proposed use is for an office. The current and estimated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Dunn to adopt the ordinance annexing Lot 1, Block D, Professional Center, Section V, and Lot 2, Block D, Professional Center, Section IV, containing 1.88 acres bound on the north and south by Beasley Drive, on the east by West Arlington Boulevard, and on the west by Signature Place, LLC. Motion carried unanimously (Ordinance No. 04-63)

ORDINANCE ANNEXING PINECREST AT SAWGRASS POINTE CLUSTER DEVELOPMENT LOCATED ON THE SOUTH SIDE OF NCSR 1128 AND EAST OF NCSR 1127 - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by Charleston Development Company to annex Pinecrest at Sawgrass Pointe Cluster Development, involving 25.44 acres located on the south side of NCSR 1128 and about 1,807 feet east of NCSR 1127. This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 2. The property is currently vacant, and the proposed use is for 89 single-family dwellings. The current population is 0 and is estimated to be 209 at full development, with 53 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance annexing Pinecrest at Sawgrass Pointe Cluster Development, involving 25.44 acres located on the south side of NCSR 1128 and about 1,807 feet east of NCSR 1127. Motion carried unanimously. (Ordinance No. 04-64)

ORDINANCE ANNEXING WINSLOW EAST, LOCATED ON THE NORTH SIDE OF US HIGHWAY 264, ON THE SOUTH SIDE OF NCSR 1523, AND EAST OF GREENVILLE BOULEVARD - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by Philip E. Carroll to annex Winslow East, involving 25.4922 acres located on the north side of US Highway 264, on the south side of NCSR 1523, and about 310 feet east of Greenville Boulevard. This is a noncontiguous annexation.

Mayor Pro-Tem requested to be excused from this item because he has interest in the property.

Motion was made by Council Member Craft and seconded by Council Member Craft to excuse Mayor Pro-Tem Miller from voting on this issue. Motion carried unanimously.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant, and the proposed use is for 420 three-bedroom apartments. The current population is 0 and is estimated to be 1163 at full development, with 252 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance annexing Winslow East, involving 25.4922 acres located on the north side of US Highway 264, on the south side of NCSR 1523, and about 310 feet east of Greenville Boulevard. Motion carried unanimously. (NOTE: Mayor Pro-Tem Miller was excused from voting on this matter.) (Ordinance No. 04-65)

ORDINANCE ANNEXING BRISTOLMOOR, SECTION ONE, LOCATED ON THE WEST SIDE OF FROG LEVEL ROAD, NORTH OF FORLINES ROAD AND SOUTH OF DAVENPORT FARM ROAD - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing to consider a request by Bristolmoor, LLC to annex Bristolmoor, Section One, containing 17.289 acres located on the west side of Frog Level Road and about 745 feet north of Forlines Road and 1,122 feet south of Davenport Farm Road. This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant, and the proposed use is single-family residential dwellings. The current population is 0 and is estimated to be 108 at full development, with 28 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Glover to adopt the ordinance annexing Bristolmoor, Section One, containing 17.289 acres located on the west side of Frog Level Road and about 745 feet north of Forlines Road and 1,122 feet south of Davenport Farm Road. Motion carried unanimously. (Ordinance No. 04-66)

ORDINANCE AMENDING THE ZONING REGULATIONS TO INCLUDE AN R6A RESTRICTED RESIDENTIAL USE OVERLAY DISTRICT DESIGNED TO ALLOW SINGLE-FAMILY AND/OR DUPLEX DEVELOPMENT UNDER THE ASSOCIATED GENERAL PURPOSE DISTRICT STANDARDS AND WHICH WOULD PROHIBIT ANY MULTI-FAMILY DEVELOPMENT OPTION WITHIN AREAS THAT CONTAIN THE PROPOSED OVERLAY DISTRICT - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31 and June 7, 2004 setting this time, date and place for a public hearing to consider a request by Mike Baldwin to include an R6A restricted residential use overlay district designed to allow single-family and/or duplex development under the associated general purpose district standards and which would prohibit any multi-family development option within areas that contain the proposed overlay district. At its May 18, 2004 meeting, the Planning and Zoning Commission voted to recommend approval.

Mr. Hamilton stated that this is a request to amend the zoning regulations to create a new R-6A restricted residential use overlay district with the associated standards. The R6A district is the high end of the medium density category. Currently the R6A district allows single-family,

duplexes and multi-family. The current Land Use Plan Map indicates a majority of the land is medium density. There is locational criteria in the text of the Comprehensive Plan in respect to the location of medium density in the R6A option. There is often opposition to R6A zoning because of the multi-family component. This proposed overlay zone would allow single-family and duplex as well as all other uses in the general purpose district, R6A, but would specifically restrict and prohibit the multi-family option. If a developer wanted to zone R6A with the intent of building single-family or duplex under those standards in proximity to a neighborhood and the neighborhood had concerns of the multi-family option, the developer could request that the R6A restricted use overlay be placed on the property at the time of initial zoning, and it would guarantee to the neighborhood that multi-family would not be possible at that location. There are some standards set out in the ordinance and they are (1) that it can only be applied at the initiation of the property owner and (2) all zoning rights, standards, restrictions and requirements of the underlying district shall extend to the overlay portion and one cannot transfer density from the overlay portion to the area outside of the overlay. It could be used for part of the open space requirement for cluster development or other type of open space need, but would not qualify for density. The minimum size of any overlay district, RU, would be five net land acres. Staff feels that it would be a useful tool and would eliminate the vast majority of concerns with R6A zoning where the intent is to build duplexes only.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, the requestor of this amendment, informed the Council that when asking for R6A zoning, neighborhoods often have concerns because of the multi-family option. This request would guarantee neighborhoods that multi-family development cannot be developed adjacent to the neighborhood.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Council to adopt the ordinance amending the zoning regulations to include an R6A restricted use overlay district designed to allow single-family and/or duplex development under the associated general purpose district standards and which would prohibit any multi-family development option within areas that contain the proposed overlay district. Motion carried unanimously. (Ordinance No. 04-67)

ORDINANCE REZONING JOSEPH D. SPEIGHT PROPERTY LOCATED ALONG THE
NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE AND NORTHEAST OF THE
INTERSECTION OF DICKINSON AVENUE AND US 264 BYPASS, FROM RA20 TO R6A-
RU – ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on May 31 and June 7, 2004 setting this time, date and place for a public hearing to consider a request by Joseph D. Speight to rezone a 77.457 acre tract located along the northern right-of-way of Dickinson Avenue and 1,800± feet northeast of the intersection of Dickinson Avenue and US 264 Bypass, from RA 20 to R6A. At its March 16, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained that this is a request to rezone property along the northern right-of-way of Dickinson Avenue and 1800 feet northeast of the intersection of Dickinson Avenue and US 264 Bypass from RA20 to R6A. Dickinson Avenue and Greenville Boulevard are major thoroughfares and gateway corridors into the City. A preliminary plat has been approved for Cobblestone Subdivision, located off Allen Road. Cobblestone Subdivision is a duplex and multi-family subdivision with 159 duplex lots abutting Tract 1 so there is a potential for 318 duplexes in the area to the west. Cobblestone Subdivision provides access to Allen Road. Cobblestone Subdivision has a street system that will provide access to Tract 1 and it is anticipated that the subdivision plat on this will provide street access to the east. A substantial portion of Cobblestone Subdivision, the duplex area, is currently zoned R6A. OR zoning allows office or high density residential and is proposed along Allen Road. The estimated density for this site would be 245 duplex lots or 490 units at 4 units per net acre. Option two for the site would be 558 multi-family units with two and three bedroom units, based on a site similar comparison approximately eight units per net acre. Staff prefers single-family or duplex development in this corridor. High density residential would not be recommended on this side of the road as is proposed on the southern side of the road. Dickinson Avenue should be maintained as a residential corridor and prevent any type strip commercial development or office development. This zoning classification does not allow any non-residential activities. The Land Use Plan recommends medium density and the request is in general compliance with the Plan. The Forrests have officially withdrawn their name from the protest petition that was submitted, making the protest petition invalid.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that this is a straightforward request. He wished to amend the request to use the overlay option. It will take five to six years to complete the project planned for this site.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Craft to allow the petitioner to amend the request to add the RU overlay district to the request. Motion carried unanimously

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to adopt the ordinance rezoning the Joseph D. Speight property involving a 77.457-acre tract located along the northern right-of-way of Dickinson Avenue and northeast of the intersection of Dickinson Avenue and US 264 Bypass, from RA 20 to R6A-RU. Motion carried unanimously. (Ordinance No. 04-68)

ORDINANCE GRANTING LIMOUSINE FRANCHISE TO STACEY ANN ANDERSON D/B/A GOODNESS AND GRACE – ADOPTED

City Attorney Holec stated that notice of public hearing was advertised in The Daily Reflector on May 31, 2004 setting this time, date and place for a public hearing and second reading of an ordinance establishing a limousine franchise for Stacey Ann Anderson d/b/a Goodness and

Grace. The first reading of the ordinance was on June 7, 2004. Notices were mailed to all taxicab and limousine franchisees. Staff recommends approval of the request.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to approve on second reading the ordinance granting a limousine franchise to Stacey Ann Anderson d/b/a Goodness and Grace. Motion carried unanimously. (Ordinance No. 04-69)

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE FINANCING OF CERTAIN PUBLIC IMPROVEMENTS AND THE ACQUISITION OF CERTAIN EQUIPMENT PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT, AND AUTHORIZING THE DIRECTOR OF FINANCIAL SERVICES TO FILE APPLICATION FOR APPROVAL THEREOF BY THE LOCAL GOVERNMENT COMMISSION - ADOPTED

City Manager Davis stated that discussions regarding financing alternatives for specific projects in December 2003 centered on the issuance of long-term debt. City Council discussed these projects in detail from January to April, with a continual narrowing of the list of projects that would be considered for financing. After specific projects were approved, it was recommended that the City issue debt for some of these projects using Certificates of Participation. There are still a substantial number of projects from the capital improvement program listed as unmet or unfunded needs. COPS are generally financed over a period of 20 years and generally use the property as collateral for the debt. Although it does not require a vote of the people, it does require approval from the Local Government Commission and a public hearing. In March 2004, the potential projects totaling \$14.8 million were presented to the Local Government Commission. The discussions were positive and the presentation was well received. There were comments about how organized the data was and how well thought out the projects seemed to be. The projects proposed to be financed are:

- the construction and equipping of Fire/Rescue Station No. 6 and a training facility
- the construction of an addition to administrative facilities of the City and the renovation of the existing facilities including the Municipal Building and the Greenville Utilities Building
- the construction of an addition to Carver Library and the renovation of the existing facilities
- the development, renovation and expansion of City park facilities including Red Oak Park, Greenfield Terrace Park and Guy Smith Stadium

The resolution before the Council identifies the parties involved in the financing and gives the City authorization to proceed with the COPS financing. The principal amount is increased from the original \$14.8 million to an amount not to exceed \$16 million.

Mayor Parrott declared a public hearing and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the resolution making certain findings relating to the financing of certain public improvements

and the acquisition of certain equipment pursuant to an installment financing agreement, and authorizing the Director of Financial Services to file application for approval thereof by the Local Government Commission. Motion carried unanimously. (Resolution No. 04-23)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, AND/OR EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS - ADOPTED

City Manager Davis stated that in conjunction with issuing Certificates of Participation for the \$14.8 million in identified projects, the City is allowed to reimburse itself from the proceeds of the planned financings for certain expenses such as design engineering studies, etc. made in connection with the planned capital projects. The resolution being presented to Council gives the City the authority required for those reimbursements. The principal amount is increased in the resolution from the original \$14.8 million in the capital improvement plan to the not to exceed amount of \$16 million.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the resolution of the City Council of the City of Greenville, North Carolina, declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction, and/or equipping of certain capital improvements. Motion carried unanimously. (Resolution No. 04-24)

APPOINTMENTS TO GREENVILLE PROGRESS AND IMPROVEMENT CORPORATION AS PART OF THE CERTIFICATES OF PARTICIPATION FINANCING - ADOPTED

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Miller to appoint Chip Little (Council Member), Don McGlohon, Sr. (Former Mayor and original member of the Board), Evan Lewis (Senior Managing Attorney, Pamlico Sound Legal Services), Marvin Davis (City Manager), and Bernita Demery (Director of Financial Services and original member of the Board) to the Greenville Progress and Improvement Corporation for three-year terms. Motion carried unanimously.

ORDINANCES ADOPTING FY 2004-2005 BUDGETS FOR THE CITY OF GREENVILLE, SHEPPARD MEMORIAL LIBRARY, GREENVILLE UTILITIES COMMISSION AND GREENVILLE-PITT COUNTY CONVENTION AND VISITORS AUTHORITY - ADOPTED

City Manager Davis informed the Council that reductions had been made since the June 7 meeting to allow for a \$.56 tax rate instead of the \$.565 originally proposed. The FY 2003-04 tax rate was \$.615. The proposed changes create a \$183,500 reduction in the ad valorem taxes. The reductions include \$10,000 from a Historic Properties grant, \$10,000 from Fire/Rescue Station #7 land, \$3,000 from a salt-treated accessory building, \$2,400 from the contracted services for the George Garrett Center, \$79,643 from staggered hiring of new personnel, for a total of \$79,643. Appropriated fund balance of \$103,857 is being used.

Motion was made by Council Member Little and seconded by Council Member Craft to reduce the tax rate from \$.615 to \$.56 and to adopt the ordinance approving the FY 2004-2005 budget for the City of Greenville and Sheppard Memorial Library. Motion carried unanimously. (Ordinance No. 04-70)

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance approving the FY 2004-2005 budget for the Greenville Utilities Commission. Motion carried unanimously. (Ordinance No. 04-71)

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinance approving the FY 2004-2005 budget for the Greenville-Pitt County Convention and Visitors Authority. Motion carried unanimously. (Ordinance No. 04-72)

ACCEPTANCE OF LAND DONATION FOR PARKLAND ON FIRE TOWER ROAD - ACCEPTED

City Attorney Holec informed the Council that Bill Clark has offered to make a gift to the City of property consisting of 15.27 acres north of Firetower Road for a park with two conditions. (1) that the property be used as a passive recreation park and (2) that the park be named Paramore Park in honor of Mr. and Mrs. S.A. Paramore, Sr.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to accept the donation of property located north of Firetower Road to be used as a passive recreation park and to submit the request for the park to be named Paramore Park to the Recreation and Parks Commission for consideration. Motion carried unanimously.

LEGISLATIVE UPDATE ON CITY OF GREENVILLE LOCAL LEGISLATION AND GENERAL ASSEMBLY ACTIONS

City Attorney Holec reported on the status of the legislative initiatives approved by Council.

Exemption from Bid Laws for Parking Deck Projects

A local bill has been introduced in both the House and the Senate. The bill has been amended to include a sunset date of January 1, 2010, and to provide that minority participation provisions in the State bidding laws are not exempt. The House approved the amended bill on May 24, 2004, and the bill has been referred to the Senate Committee on State Government, Local Government, and Veterans Affairs.

Expansion of Abandoned and Junked Vehicle Definition

A local bill has been introduced in both the House and the Senate. The bill has been amended so that it also applies to the Town of Waynesville. The House approved the amended bill on May 25, 2004, and the bill has been referred to the Senate Committee on State Government, Local Government, and Veterans' Affairs. It is expected that this will be voted on next week.

Establishment of the Eastern Carolina Cardiovascular Institute

Bills to provide for the funding of the cardiovascular institute have been filed in both the House and the Senate. The Senate approved a bill filed by Senators Jenkins and Kerr to provide funding for the institute in Greenville and a cancer center in Chapel Hill on May 19, 2004. The House and one of its committees will now consider this bill.

Flexibility in Use of Emergency Telephone System Fund

A local bill has been introduced in the House. It has been referred to the House Public Utilities Committee. The local delegation is aware of Council's support of Pitt County on this measure. It is not anticipated that this will move prior to the end of the session.

Reestablishment of Motor Vehicle Registration Fee for Economic Development and Infrastructure Projects

The delegation has advised that this local bill will not be introduced during this short session because of its potential to be controversial. In order for a local bill to be eligible for consideration during the short session, the local legislative delegation must sign a certification that the bill is noncontroversial. The delegation believes that any bill that involves the possibility of an increase in a tax or a fee would cause some controversy. Therefore, they cannot sign the certification for this bill. They indicate that, if Council desires to pursue this measure during the 2005 Session, they would consider pursuit of the bill.

RESOLUTION EXPRESSING SUPPORT OF SENATE BILL 1210 AND HOUSE BILL 1585 REGARDING STORMWATER MANAGEMENT – ADOPTED

Mr. Tom Tysinger, Director of Public Works, reminded the Council that the federal government has mandated the implementation of Phase II stormwater regulations and that the City has to comply with Tar-Pamlico Rules. There are current regulations before the General Assembly for consideration that are a compromise to provide local governments necessary protections and that allow local governments to begin implementation of the federal Phase II requirements. These regulations have been modified many times and reflect months of negotiations with legislators and representatives of various interest groups. The City Council may wish to encourage the legislature to vote for the ones that are most beneficial to cities. He encouraged the Council to adopt the proposed resolution that supports Senate Bill 1210 and House Bill 1585 and encourages the Pitt County legislative delegation to support them.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the resolution expressing support of Senate Bill 1210 and House Bill 1585 regarding stormwater management. Motion carried unanimously. (Resolution No. 04-25)

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF THE CITY OF GREENVILLE, NORTH CAROLINA, AND AUTHORIZING THE DIRECTOR OF FINANCIAL SERVICES TO FILE APPLICATION FOR APPROVAL THEREOF WITH THE LOCAL GOVERNMENT COMMISSION - ADOPTED

Mrs. Bernita Demery, Director of Financial Services, stated that in December 2003 during the annual update of the capital improvement plan, discussions regarding financing alternatives for specific projects centered on the issuance of long-term debt. After specific projects were approved, it was recommended that the City prepare for a possible financing based on the approval of general obligation bonds on a November referendum. General obligation bonds are generally financed for 25 years and pledge the power to levy taxes if needed to cover the debt. This type of financing also requires approval from the Local Government Commission. In March 2004, the potential projects totaling \$20.8 were presented to the Local Government Commission. A referendum will be included on the November 2004 election ballot. The proposed projects are as follows:

Stantonsburg Road—Tenth Street Connector	\$ 2,000,000
Thomas Langston Road	\$ 2,896,000
West Third Street Reconstruction	\$ 840,000
45 Block Revitalization	\$ 5,000,000
Center City Revitalization Program	\$ 5,000,000
Storm Drainage Improvements	<u>\$ 5,100,000</u>
Total	\$20,836,000

Mayor Parrott suggested Randy Royal and Phil Dixon as Co-Chairs for the Bond Advocacy Committee.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the resolution making certain findings relating to the authorization and issuance of Public Improvement Bonds of the City of Greenville, North Carolina, and authorizing the Director of Financial Services to file application for approval thereof with the Local Government Commission. Motion carried unanimously. (Resolution No. 04-26)

ORDINANCE AMENDING THE TAXICAB OPERATOR'S ORDINANCE (TITLE 11, CHAPTER 1) - ADOPTED

City Attorney Holec informed the Council that the General Assembly has amended NCGS 160A-304 authorizing the use of drug testing in the licensing process for taxicab operators. In order to implement this authority, it is necessary to amend City Code 11-1-62 to address the use of controlled substance testing in the application process and amend the procedures with regard to positive results or refusal to submit to controlled substance testing as grounds for refusal to issue a permit, either initial permit or renewed permit, under 11-1-64. By adopting the ordinance, the traveling public that is carried by taxicabs will be safer. The effective date of the ordinance is delayed until September 1, 2004. The purpose of the delay is to enable staff to meet with the taxi operators to discuss the new procedures.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance amending Section 11-1-62 of the City Code, regarding the permit application. Motion carried unanimously. (Ordinance No. 04-73)

ORDINANCES ESTABLISHING A GREENVILLE UTILITIES COMMISSION ELECTRIC CAPITAL PROJECTS BUDGET FOR THE WINTERVILLE SUBSTATION EXPANSION AND THE MOUNT PLEASANT SUBSTATION - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt an ordinance establishing a Greenville Utilities Commission Electric Capital Projects Budget for the Winterville Substation expansion and the Mount Pleasant substation. Motion carried unanimously. (Ordinance Nos. 04-74 and 04-75)

RESOLUTION DECLARING THE INTENTION OF THE GREENVILLE CITY COUNCIL TO REIMBURSE THE CITY FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF THE WINTERVILLE SUBSTATION EXPANSION AND THE MOUNT PLEASANT SUBSTATION - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the resolution declaring the intention of the Greenville City Council to reimburse the City from the proceeds of a tax-exempt financing for certain expenditures made and to be made in connection with the acquisition and construction of the Winterville Substation expansion and the Mount Pleasant substation. Motion carried unanimously. (Resolution No. 04-27)

ORDINANCE AMENDING THE 2003-04 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance amending the 2003-04 Greenville Utilities Commission budget ordinance. Motion carried unanimously. (Ordinance No. 04-76)

ORDINANCE AMENDING THE 2003-04 CITY OF GREENVILLE BUDGET ORDINANCE AND CAPITAL PROJECT AMENDMENTS - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance amending the 2003-04 City of Greenville budget ordinance and capital projects ordinance amendments. Motion carried unanimously. (Ordinance No. 04-77, 04-78, 04-79, 04-80, and 04-81)

CONSIDERATION OF THE PURCHASE OF REAL PROPERTY FOR USE AS GREENVILLE UTILITIES COMMISSION'S OAKLEY SUBSTATION SITE - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to approve the purchase of property located at the southwest corner of the NC 903 and Worthington Warren Road intersection for use as Greenville Utilities Commission's Oakley Substation site. Motion carried unanimously.

AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY AND W. H. SMITH REAL ESTATE, INCORPORATED – APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to approve the agreement with Norfolk Southern Railway Company and W. H. Smith Real Estate, Incorporated for installation, construction, maintenance, operation and removal of facilities near the crossing of W. H. Smith Boulevard. Motion carried unanimously. (Contract No. 1333)

REPORT OF BIDS AWARDED

City Manager Davis informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
4/30/04	Generators for Substations 2 & 5	Pitt Electric, Inc.	\$67,830.00
5/20/04	Install Vehicle Exhaust System in Fleet Maintenance	Air Cleaning Specialist, Inc.	\$33,584.32
5/21//04	Re-roofing of Gardner Training Center & Carver Library	East Coast Roofing & Metal	\$28,985.25

COMMENTS FROM MAYOR AND CITY COUNCIL

Recognition of Community Appearance Commission Awards

Council Member Craft recognized the May Community Appearance Commission award winners.

Council Member Council informed the Council that the North Carolina Black Elected Municipal Officials met at Shaw University on Town Hall Day. As Scholarship Chair, she solicited applications for the scholarship, stating that the organization awards four \$1000 scholarships each year, and the application deadline is July 31.

Council Member Council stated that Lawrence Turner and the Auto Dealer Association is working on a youth golf camp. She solicited the support of citizens in providing funding for this.

Council Member Council stated that she would like to commend youth tonight and that she would like to see a Youth Council started.

Council Member Dunn congratulated Boyd Lee of the Recreation and Parks Department for the \$250,000 PARTF grant that was recently received.

Council Member Dunn congratulated those who were recognized for the Young Citizen of the Year.

Council Member Dunn expressed appreciation to the staff, Manager, etc. for their hard work on the budget.

Council Member Dunn expressed a special thanks to Uptown Greenville for \$10,000 donation to the City for the façade grants.

Council Member Glover stated that the first Pitt County Youth Expo will be held June 12 beginning at 9 a.m. and on June 13 beginning at 2 p.m. at Thomas Foreman Park. There will be refreshments, music, etc.

Council Member Glover stated that there is a serious problem with the railroad not maintaining its property in South Greenville. There are complaints of snakes and rats. The City needs to contact the railroad and ask them to be better stewards of the community.

CITY MANAGER'S REPORT

Good News Report

City Manager Davis recognized Carol Powers of the Recreation and Parks Department. Ms. Powers heads up the summer youth and camp program for over 2000 youth in the City. The programs started last week. He thanked Ms. Powers for the wonderful job that she does.

Upon being asked by Council Member Glover why there were no summer camps set for West Greenville, Mr. Boyd Lee responded that there is a camp in West Greenville that is done in conjunction with the Housing Authority. The Recreation and Parks Department analyzed the camps last year and found that there were three in West Greenville—one with the West Greenville Community Development Corporation, one with the Housing Authority and one through Recreation and Parks Commission. The City only had 12 in its camp because of the fee. The Housing Authority pays for all the children to be in their camp. They pay transportation and leadership. The department got together with the Housing Authority and asked the best way to get as many kids as possible in camp. Now, the City provides the staff and facility and the Housing Authority is providing staff and the facility, and the Housing Authority provides transportation, staff money and money for supplies. People are bussed in from West Greenville. This camp is serving over 100 kids.

Council Glover stated that the City shouldn't depend on the Housing Authority for camps.

Mr. Lee stated that the way the City can offer as many programs as it does is by working with others.

Action for COPS Projects in August

City Manager Davis stated that he will have several construction projects on the August agenda because of the Certificates of Participation.

Fiscal Year 2003-04 Audit Status

City Manager Davis stated that the audit is underway for the current fiscal year. Preliminary field work has been done.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Little to adjourn the meeting at 9:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk